

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

DONETTA BERRIEN, individually and
as surviving spouse of Clarence Berrien, II,

Plaintiff,

vs

Case No: 08-13359
Honorable Victoria A. Roberts

UNITED STATES OF AMERICA,

Defendant.

AMENDED ORDER FOR SUMMARY
BENCH TRIAL FRCP 52(a)

On August 23, 2011, the parties stipulated that this matter can be submitted to the Court as a Summary Bench Trial under FRCP 52(a). (Doc. #52)

The parties waive their right to a bench trial and the right to call live witnesses. If necessary, the Court may elicit testimony from witnesses and will arrange to do so through counsel. The parties will submit their proofs through the depositions, exhibits thereto, affidavits/declaration, and documents exchanged during the course of discovery, as well as other stipulated exhibits, reserving, however, the right to object to the admissibility of evidence on all grounds permitted by the Federal Rules of Evidence except to the foundation of documents exchanged by the parties during discovery. For such documents, no records custodian or foundational witnesses need to be produced. All written proofs are to be submitted as a Joint, tabbed Appendix.

The parties will submit findings of fact that both parties agree are not disputed.

The parties will also submit: (1) trial briefs, and (2) proposed findings of fact and conclusions of law, each finding and each conclusion to be in separately numbered paragraphs. Plaintiff will be entitled to file a reply brief. All evidence, stipulations, joint appendix, proposed finding of facts and conclusion of law, and briefs will be submitted jointly at the close of business November 7, 2011. The materials must contain an Index for all exhibits, and pertinent material must be highlighted on the judge's copy. The judge's courtesy copy must be submitted directly to Judge Roberts.

The parties will exchange their proposed stipulated facts by Wednesday August 31, 2011 and agreed on the undisputed facts by Thursday September 26, 2011. Plaintiff will provide defendant with her trial brief on Thursday, October 13, 2011; Defendant will provide plaintiff with its response trial brief on Monday, October 31, 2011; Plaintiff will provide the defendant her reply brief by noon on November 7, 2011. No material is to be submitted to the Court prior to 5:00 EDT November 7, 2011.

IT IS ORDERED.

S/Victoria A. Roberts
Victoria A. Roberts
United States District Judge

Dated: August 31, 2011

The undersigned certifies that a copy of this document was served on the attorneys of record by electronic means or U.S. Mail on August 31, 2011.

S/Linda Vertriest
Deputy Clerk